

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5461 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

V B RAVAL

Versus

STATE OF GUJARAT

Appearance:

MR MR ANAND for Petitioner
NOTICE SERVED for Respondent No. 1, 3
MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 06/12/1999

ORAL JUDGEMENT

1. Mr.V.B.Raval, the petitioner has filed this petition challenging the order of the Government, dated 8.9.87 wherein the request of the petitioner for postponing the enquiry during the pendency of criminal

prosecution was not accepted and prayed that the said order of the Government be treated as illegal, unconstitutional, without jurisdiction, null and void and further prayed to restrain the Government from proceeding against the petitioner during the pendency of criminal prosecution on the same charge.

2. The facts of the present case are that the petitioner was serving in the cadre of Police Inspector since July, 1975. It was stated in the petition that due to some minor incident the petitioner was suspended from duty by order dated 24.7.86 which was served on the petitioner on 28.7.86. The petitioner stated that in September, 1986 the petitioner was chargesheeted and chargesheet was submitted in September, 1986 and March, 1987. It was submitted that by memorandum dated 30.7.87 the petitioner was given a chargesheet for departmental enquiry on the identical charge on which the criminal prosecution was going on in the court of Metropolitan Magistrate, Ahmedabad. It was stated that the petitioner made a representation, dated 18.8.87 for postponing the departmental enquiry. However, the Police Commissioner by order dated 8.9.87 initiated departmental proceedings against the petitioner and the petitioner has challenged the said departmental proceedings before this court.

3. At the time of hearing, Ms. Harsha Devani, Ld. AGP has produced order, dated 21.9.89 passed by the Police Commissioner, Ahmedabad city in which it has been stated that the petitioner was acquitted from the criminal charges by the court and thereafter the Government has appointed him in service on 19.9.88. The said order, dated 21.9.89 is ordered to be taken on the record. In view of the same, the petitioner's grievance does not survive. Therefore, the petition is disposed of. Rule is discharged. Ad-interim relief stands vacated. No order as to costs.

6.12.1999 (K.M.MEHTA,J)